

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DIGITAL MEDIA SOLUTIONS, LLC,) CASE NO. 1:19-cv-145
)
Plaintiff,) JUDGE DAN AARON POLSTER
)
V.)
) MAGISTRATE JUDGE THOMAS
SOUTH UNIVERSITY OF OHIO, LLC, et al.,) M. PARKER
)
Defendants.)

FILED
NOV 22 2019
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

**MOTION OF THE CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS,
BUREAU FOR PRIVATE POSTSECONDARY EDUCATION TO APPEAR AS AN
INTERESTED PARTY FOR LIMITED PURPOSE**

The California Department of Consumer Affairs, Bureau for Private Postsecondary Education (the “Bureau”), respectfully submits this motion for leave to appear in this case as an interested party for the limited purpose of responding to the Joint Motion of the Receiver and Studio Enterprise Manager, LLC’s (I) Authorizing the Sale of Shared Assets Free and Clear of Liens; (II) Approving Certain Procedures Regarding Access to the DCEH Data; and (III) Granting Further Relief (ECF No. 446) filed on November 6, 2019 (the “Sale Motion”) pursuant to Federal Rule of Civil Procedure 24(a)(2) and 24(b)(2).

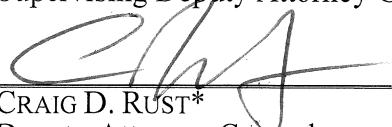
The Bureau is the California state agency responsible for protecting students and consumers through the oversight of California’s private postsecondary educational institutions, including certain of the educational institutions located in California and subject to the Court’s receivership order. *See* Cal. Educ. Code § 94875. The Bureau’s appearance is limited to its response to the Sale Motion and its interest in ensuring that the receiver complies with applicable California consumer protection law regarding the retention of student records. *See* 28 U.S.C. § 959(b) (obligating receiver to “manage and operate the property in his possession . . .

according to the requirements of the valid laws of the State in which such property is situated"); *Dry Clime Lamp Corp. v. Edwards*, 389 F.2d 590, 598 (5th Cir. 1968) (limiting jurisdiction over non-resident party to that party's interest in property subject to the in rem jurisdiction of the court). The grounds for this motion are further set forth in the attached memorandum of law.

Dated: November 21, 2019

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MOLLY K. MOSLEY
Supervising Deputy Attorney General



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*Motion for admission to appear pro hac vice pending

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Digital Media Solutions, Inc. v. South University of Ohio, LLC, et al.**
No.: **1:19-cv-145**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On November 21, 2019, I served the attached:

- **MOTION OF THE CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS, BUREAU FOR PRIVATE POSTSECONDARY EDUCATION TO APPEAR AS AN INTERESTED PARTY FOR LIMITED PURPOSE**
- **MEMORANDUM IN SUPPORT OF MOTION OF THE CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS, BUREAU FOR PRIVATE POSTSECONDARY EDUCATION TO APPEAR AS AN INTERESTED PARTY FOR LIMITED PURPOSE**
- **[PROPOSED] ORDER GRANTING MOTION OF THE CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS, BUREAU FOR PRIVATE POSTSECONDARY EDUCATION TO APPEAR AS AN INTERESTED PARTY FOR LIMITED PURPOSE**

by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550, addressed as follows:

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The following parties were served via Electronic Mail:

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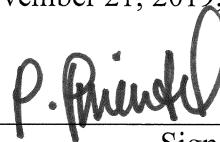
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I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on November 21, 2019, at Sacramento, California.

P. Pimentel

Declarant



Signature